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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,148	05/13/1999	TETSURO MOTOYAMA	5244-0092-2	9858

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/311,148

Applicant(s)

MOTOYAMA ET AL.

Examiner

Mylinh T Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's Amendment filed on 04/22/03 has been entered and carefully considered. Claims 1, 8, 15 and 22 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art of record, therefore, claims 1-28 are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulton et al. [US. 5,566,291] in view of Kerr et al [US. 5,086,393].

As to claims 1, 8, 15 and 22, Boulton et al. discloses an interface of a target application, the interface comprising a plurality of operations to be selected by a user (column 3, lines 60-67, column 4, lines 15-30 and column 5, lines 36-44); Boulton et al. cites "a user may activate an enter feedback mode command in a computer environment to provide feedback in a feedback interface. A feedback record is created and the user's context within a product, process, service, or issue to which the feedback refers is recorded in the feedback record" (see abstract); a monitoring unit configured to directly monitor user selections of the

plurality of operations of the interface by the user (column 4, lines 47-55); and to generate a log of the monitored data, the log indicating the selections of the plurality of operations by the user (Boulton et al. cites "Selected attributes, the time at which the feedback is made, the physical location and identity of the user, and comments by the user are recorded in the feedback record. A feedback visualizer for a reviewer for organizing and presenting user feedback receives feedback from users...The visualizer identifies a reviewer's visualization preferences, which include indications of feedback attributes that the reviewer desires to review" (see abstract); and a communicating device configured to communicate the log of the monitored data to a remote site (column 12, lines 46-56). The difference between Wollrath et al. and the claim is the step of automatically upon start-up of the target application. Kerr et al. shows the limitation at column 2, lines 5-13 and column 3, line 55 through column 4, line 10. The users do not need to tell the system to capture this operation or that one but the program automatically captures them. It would have been obvious to one of ordinary skill in the art, having the teachings of Boulton et al. and Kerr et al. before them at the time the invention was made to modify a method of monitoring taught by Boulton et al. to include the step of automatically monitoring user inputs of Kerr et al., with the motivation being to make efficient collecting, logging and communicating to a desired location by Internet email as taught by Kerr et al.

While Boulton et al. shows the monitoring unit that monitoring user selections of the plurality of operations, Kerr et al. suggests the step of automatically upon start-up of the target application when the system monitors the user inputs.

As to claims 2, 9, 16 and 23, Boulton et al. shows the target application is a software application and the interface is a display screen of the software application (column 5, lines 8-18 and column 15, lines 40-50).

As to claims 3, 10, 17 and 24, Boulton et al. teaches the target application is an image forming device and the interface is an operation panel of the image forming device (column 10, lines 35-46).

As to claims 4, 11, 18 and 25, Boulton et al. shows "the target application is an appliance and the interface is an operation panel of the appliance" (column 8, lines 55-64).

As to claims 5, 12, 19 and 26, Boulton et al. also teaches the communicating device sends the log of the monitored data when the user exits the target application (column 12, lines 47-56).

As to claims 6, 13, 20 and 27, Boulton et al. also shows a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log of the monitored data (column 3, lines 18-32).

As to claims 7, 14, 21 and 28, Boulton et al. discloses the communicating device communicates the log of the monitored data by Internet mail (column 39, lines 50-65).

***Response to Arguments***

Applicant's arguments with respect to claims 1, 8, 15 and 22 about the limitation: "automatically upon start-up of the target application" have been considered but are moot in view of the new ground(s) of rejection.

Also, Applicant has argued Boulton does not teach "plurality of operations of the interface". However, Boulton shows it at column 4, lines 15-28, column 5, lines 6-45. Boulton cites "A multiplicity of attribute indicia are displayed that the user may select to quickly".

Applicant argues Boulton does not suggest "generating any log indicating which ones of different operations on an interface a user selects". However, Boulton cites "Selected attributes, the time at which the feedback is made, the physical location and identity of the user, and comments by the user are recorded in the feedback record. A feedback visualizer for a reviewer for organizing and presenting user feedback receives feedback from users...The visualizer identifies a reviewer's visualization preferences, which include indications of feedback attributes that the reviewer desires to review" (see abstract).

Next, Applicant argues Boulton does not teach or suggest monitoring different operations on a display screen. However, the reference shows it at column 19, line 35 through column 20, line 45.

In response to Applicant's argument that in Boulton, there is no "target application is an image forming device and the interface is an operation panel of the image forming device". However, Boulton shows it at column 4, lines 47-55

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and column 10, lines 3-20 and 35-46. Boulton cites "the user can input the feedback while using a wide variety of devices and environments, including application programs, educational software, a manual, or test software...".

Regarding claims 4, 11, 18 and 25, Applicant has argued that Boulton does not teach "the target application is an appliance and the interface is an operation panel of the appliance". The Examiner does not agree. Boulton shows it at column 8, lines 48-63. Boulton cites "at any time while navigating through a course or other meaning space, a learn...a consumer might have trouble operating an applicant. The consumer might want to inform the supplier of the appliance of his or her trouble...".

Regarding claims 6, 13 and 27, Applicant argues there is no teaching in Boulton about determining how many sessions are to be executed prior to communicating the log of the monitored data. However, the Examiner does not agree. Boulton cites "Once the gathering of feedback has been accomplished, the reviewer must somehow organize that feedback into logical and relevant categories...." (column 3, lines 18-32) and column 43, lines 33-45.

Finally, regarding claims 7, 14, 21 and 28, Applicant has argued Boulton does not teach the communicating device communicates the log of the monitored data by Internet mail. However, Boulton teaches it at column 9, lines 45-60 and column 39, lines 50-65.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238, may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-4395 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.



Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

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